

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ELECTRONIC SOUND, INC., a Nebraska  
corporation,

Plaintiff,

vs.

ZATA ELECTRIC, LLC,

Defendant.

**8:23CV199**

**ORDER TO SUPPLEMENT THE  
RECORD**

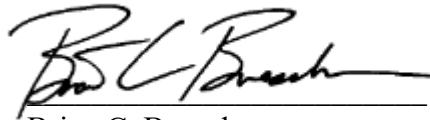
This case is before the Court on plaintiff Electronic Sound’s September 29, 2023, Motion for Default Judgment against defendant Zata Electric, LLC. [Filing 20](#). The Court has reviewed the submissions by Electronic Sound in support of its Motion as well as the Complaint in this case and finds no legal basis for the 12% per annum pre- and post-judgment interest claimed as purportedly provided by law on the sums due under a contract that is not part of the record. *See* [Filing 20 at 2](#); [Filing 20-1 at 1](#). Federal Rule of Civil Procedure 55(b)(2) provides in pertinent part that “[t]he court may conduct hearings or make referrals—preserving any federal statutory right to a jury trial—when, to enter or effectuate judgment, it needs to . . . determine the amount of damages [or] establish the truth of any allegation by evidence . . . .” Fed. R. Civ. P. 55(b)(2). Because the Court “may” conduct such a hearing, the Court believes that it may also obtain the necessary evidence by filing of appropriate affidavits and exhibits. Accordingly,

IT IS ORDERED that plaintiff Electronic Sound shall have seven (7) days from the date of this Order within which to file evidence and a supporting affidavit demonstrating that it is entitled to 12% pre- and post-judgment interest as a matter of law.

IT IS FURTHER ORDERED that if plaintiff Electronic Sound fails to make the required submission within the time provided, the Motion for Default Judgment will be denied without further notice.

Dated this 13th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge